

CITY OF ST. AUGUSTINE

Regular City Commission Meeting  
September 23, 2002

The City Commission met in a formal session Monday, September 23, 2002, at 4:00 p.m. in The Alcazar Room at City Hall. The meeting was called to order by Mayor Mark Alexander, and the following were present:

**1. Roll Call:**

Mark Alexander, Mayor/City Commissioner  
Raymond Connor, City Commissioner  
Susan Burk, City Commissioner  
Henry F. Green, III, City Commissioner

Absent: William Lennon, City Commissioner (excused)

William B. Harriss, City Manager  
Jack E. Cubbedge, Assistant City Manager  
James P. Wilson, City Attorney  
Martha V. (Nell) Porter, City Clerk  
Timothy A. Burchfield, Director, General Services  
Mark Knight, Director, Planning and Building Department  
Mark Litzinger, Director, Financial Services  
Paul Williamson, Director, Public Affairs  
Dr. William Adams, Director, Heritage Tourism  
William H. Harding, Director, Public Works  
John Regan, Director, Utilities  
James Whitehouse, Staff Attorney  
David B. Shoar, Chief of Police  
James Owens, Fire Chief  
Orfeo Paolini, Sound Technician  
Karen Rogers, Recording Secretary

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**2. INVOCATION AND PLEDGE OF ALLEGIANCE**

Reverend Jeff Batkin, Trinity Episcopal Church, presented the invocation, and Mayor Alexander led the Pledge of Allegiance.

**3. ADMINISTRATIVE ITEMS**

**3.A/ Modification of Agenda**

Mayor Alexander stated that he wanted to move Item 9.A. to Item 4., Presentations, and Henry Whetstone

would give a presentation on behalf of the Parking Committee.

**3.B/ Approval of minutes**

The minutes of the City Commission Workshop meeting of August 21, 2002, regular City Commission meeting of August 26, 2002, and Special City Commission meeting of September 12, 2002 were approved as presented.

**4. PRESENTATIONS AND STAFF REPORTS.**

**9.A/ Public hearing and appeal of a Planning and Zoning Board decision relative to property located 207 Inlet Drive.**

William B. Harriss, City Manager, explained that the public hearing process had already been fulfilled for the appeal, and the item had been tabled while Mr. Cone was unavailable. He stated that Mr. Cone had requested tabling the item for two more weeks, as he had a meeting in Gainesville that evening that was vital for him to attend.

**MOTION**

**Mr. Green MOVED to table agenda Item 9.A. until the subsequent scheduled meeting of the City Commission. The motion was SECONDED by Commissioner Burk and approved by UNANIMOUS VOICE VOTE.**

**4.A/ Presentation by Mr. Henry Whetstone of the Parking Committee.**

Mr. Whetstone explained that the Parking Committee consisted of ten members who were leading citizens of the community chosen by the City Commission. He said the committee met monthly, and the topic of parking garages had been discussed by the committee for a long time. He pointed out that as a committee they had agreed unanimously on garages located at the VIC, behind the Lightner Museum building, and on the San Sebastian site.

Mr. Whetstone said the committee had determined that the most critical location was behind the Lightner Museum building. He said the committee had also determined that approximately 200 non-designated spaces would be rented for long-term parking by the merchants and their employees, the Casa Monica Hotel, City residents, and college

students. He said the garage would do away with those people parking in the downtown area and move them into affordable parking. He said the committee had not designated the garage for tourism, although there would be short-term public meter parking on the ground floor.

Mr. Whetstone said there were 247 parking spaces in the downtown area that were being occupied by the merchants, employees, and students etc., and the garage would contain 351 spaces, therefore the structure would provide the necessary parking while opening up downtown parking spaces for visitors and customers.

Mr. Whetstone noted that there was no question that the City had a parking problem, the question was how to solve the problem. He said the location behind the Lightner Museum was the Parking Committee's best guess. He said that people would have to be shuttled from the San Sebastian site, therefore the site was cost prohibitive. He said the site of the old Woolworth building was more accessible; however, the location was not zoned for a parking garage; whereas, behind the Lightner was zoned for a garage, plus the property was owned by the City making the site cost effective. He stated that the parking committee was open to suggestions; however, they were hearing mostly negative response from the public. He added that the committee would love to provide a solution.

Mr. Whetstone said that if meters were installed on the ground floor of the garage the committee suggested that the rate be 25 cents per hour. He said that if the City metered all the parking in the City the committee suggested that the rate be 75 cents to a dollar per hour, therefore directing merchants,

employees, locals, and students etc. to parking in the proposed garage. He noted that if parking was not made available to visitors etc. they would infringe on the neighborhoods. He said the committee also suggested there be residential parking only in the neighborhoods, but there should be a charge for the privilege.

Mr. Whetstone stated that the committee had discussed whether there should be an attendant for the parking garage and for what length of time, and they had decided that an attendant would be necessary for special events. He said that the structure would have camera security and police patrols, and at night all but one of the gates would be closed for security purposes.

Mr. Whetstone stated that after discussion the committee had determined that City owned vehicles should be allowed to park in the proposed garage, but employees should park in the Granada Street surface parking lot.

Mr. Whetstone referred to the design of the proposed parking structure and stated that the design had been approved by HARB, because the satellite rooms picked up the characteristics of the Lightner Museum building with the arches and loggia. He said that the space was not intended for retail, but it would be ideal space for government offices. He invited questions.

Mayor Alexander questioned whether the City could take Mr. Whetstone's recommendations for analysis.

Mr. Harriss replied that staff had already examined the proposal and agreed that the recommendations were beneficial to the garage and City.

Mayor Alexander suggested that one of the satellite spaces be offered free to non-profit organizations for conference, meetings, or functions. He requested that his idea be part of the parking committee's recommendation.

Commissioner Green questioned whether the Parking Committee was researching parking permits for the residential areas, and the response was affirmative. He requested that the committee bring the results of their research to the Commission.

Commissioner Connor requested the time to examine the Parking Committee's recommendations.

## **5. ITEMS BY CITY ATTORNEY**

(None Scheduled)

## **6. BY CITY CLERK**

### **6.A/ Consideration of two appointments to the Planning and Zoning Board.**

Martha V. (Nell) Porter, City Clerk, reported that the expiring terms were for Gerald Dixon and Donald Crichlow, and the following applicants had requested appointment:

1. Gerald Dixon, 45 Cordova Street
2. Todd J. Grant, 70 Almeria Street
3. Janet Ponton Lewis, 35 Avista Circle
4. Gary G. McMahan, 25 Vedder Street
5. James P. Nault, 51 White Street
6. Steven M. Schuyler, 7 Inlet Place
7. James Solana, 21 Old Mission Ave.

The four Commissioners voted by written ballot, and Ms. Porter reported that Mr. Dixon and Mr. Solana had each received three votes.

## **MOTION**

**Commissioner Green MOVED to appoint Mr. Dixon and Mr. Solana to the Planning and Zoning Board. The motion was SECONDED by Commissioner Connor and approved by UNANIMOUS VOICE VOTE.**

**6.B/ Consideration of two appointments to the Police Officers' Retirement Board.**

Ms. Porter reported that the expiring terms were for Richard A. Henley and Franklin M. Persons. She said that both applicants were eligible for reappointment, both had applied for reappointment, and there had been no other applications received.

Commissioner Connor clarified that both Mr. Henley and Mr. Persons exhibited interest in reinstatement to the board.

**MOTION**

**Commissioner Connor MOVED to reappoint Mr. Persons and Mr. Henley to the Police Officer's Retirement Board. The motion was SECONDED by Commissioner Burk and approved by UNANIMOUS VOICE VOTE.**

**6.C/ Consideration of an appointment to the Management Advisory Group to the Guana Tolomato Matanzas National Estuarine Research Reserve.**

Mayor Alexander stated that David E. Miles had expressed interest in serving on the board as the City's representative.

**MOTION**

**Commissioner Green MOVED to approve. The motion was SECONDED**

**by Mayor Alexander and approved by UNANIMOUS VOICE VOTE.**

**7. ITEMS BY CITY MANAGER  
(Includes Consent Agenda)**

**7.A. Preview of upcoming Commission meetings.**

**7.B. Consideration of an Agreement with Flagler College for Police Services.**

**7.C. Ratification of the Florida Council of Industrial and Public Employees, Local 2038 Collective Bargaining Agreement Modification.**

**7.D. Determination of legal sufficiency and acceptance of an application to appeal a Planning and Zoning Board's decision relative to property located at 157 Marine Street (Baypointe Marine Association).**

**7.E. Consideration of a petition for voluntary annexation of property located at 213 Columbus Street and adjacent property.**

**7.F. Notification of sale of the Adelaide Sanchez House at 136 Marine Street.**

**7.H. Approval of the Career Criminal Investigation/Prosecution Grant Award.**

**7.I. Consideration of expenditures from the Local Law Enforcement Block Grant.**

Commissioner Green requested information regarding Item 7.B.

Mr. Harriss explained that 6-7 years earlier the City had made an agreement with Flagler College to provide two police officers, to work on rotating shifts, to

furnish a police presence on the campus. He said that the advantage to the City was that the officers would be available to the City during college breaks and during the summertime. He concluded that the college assumed all costs associated with the police officers.

Commissioner Connor read the titles for Items 7.A. through 7.I.

### **MOTION**

**Commissioner Connor MOVED to approve items 7.A. through 7.I. on the Consent Agenda. The motion was SECONDED by Commissioner Burk and approved by UNANIMOUS VOICE VOTE.**

### **8. ITEMS BY MAYOR AND COMMISSIONERS.**

#### Mayor Alexander – Political Signs

Mayor Alexander requested a workshop to address political signs, as the situation had gotten out-of-hand. He suggested researching other communities for their laws regarding where political signs were and were not allowed.

#### San Sebastian Property

Mayor Alexander recommended that the Mayor's Committee reconvene regarding the issue of the San Sebastian Property to see whether they approved of the amended site plan from Vestcor.

Commissioner Connor stated that he would prefer examining the new site plan to help him decide whether he agreed with reconvening the Mayor's Committee.

Mr. Harriss clarified that the Mayor was referring to the plan Vestcor had recently

presented, including the adjustments the City Commission had requested. He said the Mayors Committee could then present the Commission with their opinion of the Vestcor plan, as well as any recommendations they might have, therefore providing outside and non-political input.

Mayor Alexander interjected that he thought it might be a good idea to get the committee's opinion of the Vestcor presentation, thereby moving the plan forward.

Commissioner Burk pointed out that the committee had been formed for evaluation and ranking, which was easy to delegate to a committee. She suggested that reconvening the committee might further complicate the issue.

Commissioner Connor suggested that the Commission have a workshop with staff before making the decision to reconvene the committee.

Commissioner Burk agreed that would be a good idea.

#### Florida School for the Deaf and Blind

Mayor Alexander questioned the situation with the houses being auctioned by the D & B school.

Mr. Harriss replied that there was to be a pre-auction conference held the following day, which the City had been requested to attend

Mayor Alexander questioned whether the City had heard from the Attorney General regarding the school.

Mr. Wilson replied that he had not, and he did not expect to hear for a couple of weeks.

Commissioner Connor said the conference was to present the houses that would be auctioned, and if the public was interested they could attend.

Mr. Harriss stated that the conference would be held on the school campus at 10:00 a.m., and he believed that it was open to the public.

#### Parking Garage Plans to Tallahassee

Mayor Alexander proposed that the City send the plans for the proposed parking garage to Tallahassee, as had been requested by some of the citizens. He added that currently he felt the City would encounter a fair academic review and not a political review. He welcomed discussion.

Commissioner Connor agreed with and supported the Mayor's estimation of the situation.

Commissioner Green agreed that it was an excellent idea considering that circumstances had changed in Tallahassee.

Commissioner Burk emphasized that she was reluctant to seek a review from the State, nor did she consider it necessary, as she believed it would complicate the issue. However, in the spirit of good faith she would support the motion.

Commissioner Green agreed with Commissioner Burk's sentiment; however, he said there appeared to be some public consensus that the City should seek state review.

Commissioner Burk clarified that the Commission would seek review because they wanted to, not because they had to.

Mayor Alexander added that the political winds had shifted in Tallahassee,

therefore, the City stood to receive a fair review.

Commissioner Burk questioned the potential scope of a review.

Mr. Wilson stated that a voluntary review would be open ended; however, there was a possible required review under the terms of the restrictive covenants attached to the building due to some grant funding the City had received. He said that type of review would be according to the Secretary of Interior's guidelines, which were specific and the City should qualify because of possible contractual obligation; moreover, the standards were clear.

Mr. Wilson said that he had visited the Secretary of State General Council Office and the Secretary of State Office the previous week and learned that they would be happy to receive and perform a comprehensive review of the City plans under the terms set forth in the contract. He stated that he was comfortable with the potential review.

#### **MOTION**

**Mayor Alexander MOVED to send the architectural plans for the parking garage to Tallahassee for review. The motion was SECONDED by Commissioner Connor and approved by UNANIMOUS VOICE VOTE.**

#### Commissioner Green – Political Signs

Commissioner Green agreed that there were some problems within the ordinance concerning political signs, therefore he supported the Mayor's suggestion to amend it.

Mayor Alexander stated that he had received complaints regarding political signs.

**9. APPEALS AND PUBLIC HEARINGS  
(Not pertaining to ordinances and resolutions)**

**9.A/ Public hearing and appeal of a Planning and Zoning Board decision relative to property located 207 Inlet Drive.** <sup>1</sup>

**10. RESOLUTIONS AND ORDINANCES  
(To include public hearing)**

**10.A/ Resolutions**

**10.A.1/ Consideration of Resolution 2002-12, concerning permit and application fee reduction.**

Mr. Harriss explained that the resolution was approved annually, as the State of Florida allowed communities with a high value of property off the tax rolls to submit less than a full fee when applying for permits with the St. Johns Water Management District and the Department of Environmental Protection. He said that some of the fees were as high as \$5,000, therefore the City would apply for the fee waiver for as long as it qualified.

**MOTION**

**Commissioner Connor MOVED that consideration of Resolution 2002-12 concerning permit application fee reduction be approved. The motion was SECONDED by Commissioner Burk and approved by UNANIMOUS VOICE VOTE.**

**10.A.2/ Consideration of Resolution 2002-13, concerning a petition to vacate a portion of Fish Island Road.**

<sup>1</sup> Item tabled until October 14, 2002

James Whitehouse, Staff Attorney, distributed a map of the location in question and said the portion of the road to be annexed went through a retention pond and was not used. He said the only reason for not vacating to Mizell Road was to provide access to the cell tower.

Commissioner Connor questioned whether utilities were connected to the location.

Mr. Whitehouse explained that the City would maintain an easement through the area.

**MOTION**

**Commissioner Green MOVED that Resolution 2002-13 be approved. The motion was SECONDED by Commissioner Connor and approved by UNANIMOUS VOICE VOTE.**

**10.B. Ordinances – First Reading**

**10.B.1/ Introduction and consideration of Ordinance 2002-19, establishing a minimum wood structural panel sheathing thickness.**

Mark Knight, Director, Planning and Building Department, reported that on January 1, 2002 the Florida Fire Prevention Code went into effect and on March 1, 2002 the Florida Building Code went into effect. He said the proposed ordinance referenced those codes in which there was a change that required a minimum of one half thick width panel sheathing. He said the current requirement would not be durable over a long period of time, therefore the adjustment had been made.

**MOTION**

**Commissioner Connor MOVED that Ordinance 2002-19, establishing a**

**minimum wood structural panel sheathing thickness be placed on first reading, read by title only and approved. Commissioner Burk SECONDED the motion.**

Mr. Wilson read the title as follows:

**ORDINANCE NO. 2002-19**

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA, AMENDING SECTIONS 8-101 THROUGH 8-115 OF THE CODE OF THE CITY OF ST. AUGUSTINE TO INCORPORATE THE FLORIDA BUILDING CODE AND THE FLORIDA FIRE PREVENTION CODE, AND TO ESTABLISH A MINIMUM WOOD STRUCTURAL PANEL SHEATHING THICKNESS; PROVIDING FOR CLARIFICATION OF PERMITTING FEES; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF THE CITY OF ST. AUGUSTINE; AND PROVIDING AN EFFECTIVE DATE

**VOTE ON MOTION**

**AYES: Connor, Burk, Green, Alexander**

**NAYES: None**

**MOTION CARRIED UNANIMOUSLY**

Non Agenda Item

Mayor Alexander reported that on Saturday, September 28<sup>th</sup>, at 10:30 a.m., the City would be dedicating the Frank Butler Great Floridian marker. He noted that Robert Tuseo had done a great deal of work on the house.

**10.C/ Ordinances – First Reading – Public Hearing Required**

(None Scheduled)

**10.D/ Ordinances – Second Reading – Public Hearing**

(None Scheduled)

**11. GENERAL PUBLICPRESENTATIONS AND COMMENTS (15 minutes per presentations)**

(None Scheduled)

**12. MATTERS NOT ON THE AGENDA (Items not addressed elsewhere on the agenda – three-minute time limit).**

Howard Davis, 252 St. George Street, distributed copies of letters he had sent to the City regarding the parking garage. He stated that he had made requests for documents to the City that had not been fulfilled. He disputed the City’s handling of his requests, and he insisted that the matter of lot coverage for the proposed garage was being mishandled. He requested the documentation again and questioned why it had not been made public.

Mr. Davis referred to the letter the Mayor had published in the St. Augustine Record and stated that he had been discredited. He indicated that it was the City’s arrogant attitude toward preserving historic resources that led to a sour relationship with the Secretary of State’s Office. He emphasized that the insinuation that he had attempted to disrupt the City leases with the State of Florida was a lie. He defended his attempt at building a multi-story parking garage where zoning would not allow. He insisted that the issue was not personal but about the future of the community, neighborhoods, and homes, as specifically provided for in the City Code. He suggested that the Mayor had attempted to make himself look good at the expense of others.

Janis V. Williams, 35 Valencia Street, stated that the Mayor’s published letter warranted a response. She insisted that she had not attempted to involve the

Department of State in a local municipal issue or disrupt the City's lease agreement with the State of Florida. However, she said if she had, America was a participatory democracy, therefore she could ask for help when the City government was not responsive. She suggested that the Mayor's letter in the newspaper amounted to character assassination, that the Mayor had not written it, and that the letter was a serious error in judgement. <sup>2</sup>

Gerald Dixon, 35 Cordova Street, said that he was on the design team for the parking garage, and the lot coverage had not been generated until recently, because it was not an issue. He stated that they had generated the document after Mr. Davis' published the false comment that the design team had exceeded the 70% lot coverage. He said that it was ironic that Mr. Davis made such comments after writing the report, approving the garage while on the Parking Committee, and bidding on the project. He informed the Commission that the lot coverage was 54% of the whole site.

Mr. Green questioned the whole site.

Mr. Dixon explained that it was the whole site according to the legal description.

Mr. Green agreed, because the property went from King Street all the way back (to Bridge Street).

Mr. Dixon informed the Commission that the document could not be generated until he had an accurate survey of the whole site.

Dan Holiday, 11 Aviles Street, informed the Commission that Mr. Davis had received 55 parking tickets in the past 3-

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<sup>2</sup> Ms. Williams' statement attached to original minutes

years. He said that 45 were for overtime parking, 8 were yellow curb tickets, and 2 were in loading zones. He stated that the information he had imparted indicated that there was a parking problem in the center of town. He suggested that residents of the City work together to solve the parking problem.

Richard Pinto, 105 St. George Street, and Chairman of the Parking Committee, said that the proposal for a garage behind the Lightner Museum had originated in a traffic and circulation plan that was partially funded by the State of Florida and the City. He said the plan had been presented to the Parking Committee, where upon the committee had unanimously voted for it, and Mr. Davis had been on the Parking Committee at the time. He said the HARB had also heard the presentation, and after contentious public hearing the board had voted in favor of the plan. He noted that the presentation had gone before the PZB, at which time both Mr. Gardner and Mr. Crichlow had voted in favor of the plan. He added that Mr. Gardner and Mr. Crichlow now claimed they did not know what they had been voting for. He remarked that the design of the parking garage was such that it fit into the historic ambience. He concluded that the public history on the development of the parking garage extended years into the past, therefore the suggestion that the City was hiding something or conducting dirty business represented false allegations.

Commissioner Green questioned whether Mr. Pinto had been with the Commission on the trip to Charleston, South Carolina to study that City's parking garage development.

Mr. Pinto replied that he had not been on that particular trip; however, he had

made trips to Charleston to witness the City's success with parking garages.

Commissioner Green said that a number of the opposition to the project had been on the trip to Charleston that he was referring to, which took place eight year earlier. He emphasized that the accusation that the proposed garage behind the Lightner was a surprise was shocking.

Frederick Halback, 287 St. George Street, stated that he felt it was important to clarify a point made by Mr. Davis. He said that while Mr. Davis was a consultant on the Parking Circulation and Transit Plan he had objected to the project. He said that Mr. Davis had been under contract to his firm and he had been responsible to oversee his work. He stated that early in the project Mr. Davis had expressed his concern, whereupon he informed Mr. Davis that he was out-of-bounds and any criticism he might have about the Lightner site was inappropriate, because he lived across the street from the site, thereby having a professional conflict of interest. He said he had suggested that Mr. Davis resign from the project if he was uncomfortable or needed to pursue the issue, as the concern was understandable. But, Mr. Davis, a \$5,000 consultant in a \$180,000 study, decided to stay on the project stating that he would submit for the architectural contract when and if the project proceeded.

Mr. Halback stated that Mr. Davis had cashed the \$5,000 check after the final report on the project, making it extremely difficult to understand his claim that the City had surprised him with the project. He concluded that Mr. Davis had submitted his proposal for the garage behind the Lightner Museum, along with eight other architects, clearly outlining his intention to meet the

program requirements of a 350-450 multi-level parking facility. He offered any back-up information the Commission might need.

#### **14. Adjournment**

There being no further business, the meeting was adjourned at 5:08 p.m. <sup>3</sup>

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MAYOR

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CITY CLERK

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<sup>3</sup> Transcribed by Karen Rogers, Recording Secretary